

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5269 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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RAJENDRA B SANGANI

Versus

DEAN

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Appearance:

None present for Petitioners

MR DP JOSHI for Respondent

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/10/97

ORAL JUDGMENT

#. The matter was called out for hearing in the first round, then in the second round in the first sitting and lastly in the third round, in the second sitting but none put appearance on behalf of petitioners. Perused the Special Civil Application and heard learned counsel for respondents.

#. The petitioner, who was at the relevant time prosecuting studies in M.S. Ophthalmology in B.J. Medical College at Ahmedabad, filed this Special Civil Application on his behalf as well as on behalf of other students named in annexure 'A'. The grievance made by petitioners was that those who are registered as 'residents' are getting Rs.2,000/- p.m. (increased to Rs.2,300/-), while the petitioners and others who are registered PG students and doing the same work are getting only approximately Rs.533/- p.m. (i.e. Rs.3,200/- per term of six months) which is highly arbitrary and unjustified. This classification has been made under annexure 'B' which has been challenged by petitioners by this Special Civil Application.

#. This Special Civil Application has come for admission before this Court on 8.8.91, on which date the matter has been admitted and Rule and interim relief in terms of paragraph 17(d) has been granted. Paragraph 17(d) reads as under:

to direct, pending the hearing and final disposal of the petition, the respondents herein to give the benefits to the petitioner and others mentioned in list Annexure 'A'.

So the petitioner and the persons mentioned in annexure 'A' have been given benefit of stipend at the higher rate as claimed by them. This matter pertains to the year 1991 and possibility of completing the post graduate studies by the petitioner and the persons mentioned in annexure 'A' cannot be ruled out. All these persons by now would have completed their studies and they would have settled at appropriate places. Even if ultimately this petition is dismissed, the learned counsel for the respondents fairly submits that the Government may not take any decision to recover this amount paid to the students who were prosecuting post graduate studies in medical science at the relevant time.

#. Taking into consideration the totality of the facts of this case, this Special Civil Application, in fact, stood disposed of at the stage of admission itself and nothing now requires to be decided. In the result, this Special Civil Application is disposed of in terms that whatever benefits already given to the petitioner and the persons mentioned in annexure 'A' may not be taken back. The Special Civil Application and Rule stand disposed of accordingly. No order as to costs.

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(sunil)